

# California Regional Water Quality Control Board San Diego Region

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### CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7007 0710 0000 5763 4113

October 28, 2008

Mr. Thomas Driscoll, President Driscoll's West Boat Repair 2700 Shelter Island Drive San Diego, CA 92106 In reply refer to: T10000000364:CKomeylyan

Dear Mr. Driscoll:

SUBJECT: ADDENDUM NO. 1 TO INVESTIGATIVE ORDER NO. R9-2008-0102;

EXTENSION OF DEADLINE FOR SUBMITTAL OF SITE

INVESTIGATION REPORT REQUIRED BY INVESTIGATIVE ORDER NO. R9-2008-0102; DRISCOLL'S WEST BOAT REPAIR FACILITY;

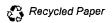
2700 SHELTER ISLAND DRIVE, SAN DIEGO, CALIFORNIA

Enclosed is Addendum No. 1 to Order No. R9-2008-0102. Addendum No. 1 extends the deadline for submittal of the Site Investigation Report required by the order from November 14, 2008 to December 19, 2008. The deadline extension is reasonable considering the lead time needed to review and obtain approval of the work plan, obtain boring permit approval, coordination of laboratory and drilling subcontractor, and laboratory analyses turnaround time.

It is the sole responsibility of the discharger to assess and remediate the unauthorized release in a timely manner to achieve compliance with Regional Board orders; cleanup laws and regulations; and applicable water quality standards. Failure to submit the Site Investigation Report as required by Addendum No. 1 to Investigative Order No. R9-2008-0102 may subject you to enforcement action, including but not limited to: imposition of administrative civil liability under California Water Code section 13268 or referral to the attorney general for injunctive relief or civil or criminal liability.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

California Environmental Protection Agency



Mr. Thomas Driscoll Addendum No. 1 to Investigative Order No. R9-2008-0102 Driscoll's West Boat Repair

If you have any questions regarding this letter, please contact Ms. Sherrie Komeylyan of my staff at (858) 467-2734 or via email at <a href="mailto:ckomeylyan@waterboards.ca.gov">ckomeylyan@waterboards.ca.gov</a>.

Respectfully,

MICHAEL P. McCANN Assistant Executive Officer

MPM:jac:jpa:ck

C:\temp\p drive backup\South Unit\All Sites\Driscoli west boat repair facility\Response to request extension of deadline.doc

Enclosure:

Addendum No. 1 to Investigative Order No. R9-2008-0102

cc (via email):

Mr. William Hays, The Port of San Diego

Mr. Robin D. Lewis, Office of Spill Prevention and Response,

Department of Fish and Game

Mr. Sree Gopinath, The Bodhi Group

#### CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

### ADDENDUM NO. 1 TO INVESTIGATIVE ORDER NO. R9-2008-0102

#### DRISCOLL'S WEST BOAT REPAIR FACILITY 2700 SHELTER ISLAND DRIVE SAN DIEGO, CALIFORNIA

The California Regional Water Quality Control Board, San Diego Region (herein after Regional Board) finds:

- 1. On August 22, 2008 the Regional Board issued Investigative Order No. R9-2008-0102 to Mr. Thomas Driscoll (Discharger), Driscoll's West Boat Repair Facility concerning the possible discharge of wastes at the facility located at 2700 Shelter Island Drive, San Diego, California.
- 2. Mr. Thomas Driscoll requested an extension of the deadline for the submittal of the Site Investigation Report required by Directive C.1 of Investigative Order No. R9-2008-0102 from November 14, 2008 to December 31, 2008. The Discharger asserts that the extension is necessary because lead times for plan review and approval, boring permit approval, coordination of laboratory and drilling subcontractor, and laboratory analyses turnaround were insufficient to meet the deadline.
- 3. The Discharger has made progress in complying with the Investigative Order. The Discharger and his consultant met with Regional Board Staff to discuss compliance on September 10, 2008, and submitted the "Work Plan to Investigate Potential Sources of Fuel Contamination" on October 3, 2008.
- 4. The time extension is reasonable considering the factors discussed above.
- 5. This action is an order to enforce the laws and regulations administered by the Regional Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to section 15321 of the California Public Resources Code.

IT IS HEREBY ORDERED, pursuant to section 13267 of the Water Code, Directive C of Investigative Order No. R9-2008-0102 is hereby replaced with the following:

#### C. REPORTS TO BE FILED WITH THE REGIONAL BOARD

1. Paper Copy of Investigation Report – <u>By 5:00 p.m. on December 19, 2008, the Discharger is required to submit a paper copy of the</u>

Mr. Thomas Driscoll
Addendum No. 1 to Investigative
Order No. R9-2008-0102
Driscoll's West Boat Repair Facility
2700 Shelter Island Drive

## <u>Investigation Report that complies with all the requirements of this</u> Order.

2. Electronic Format Reporting Requirements - Beginning January 1, 2005, all reports submitted to the Regional Board by the Discharger, pursuant to sections 13304 and 13267 of the Water Code, must be submitted in an electronic format. The Discharger shall comply with electronic reporting requirements of Title 23 of the California Code of Regulations, Division 3, section 3893, including the provision that complete copies of all reports be submitted in a searchable PDF format (optical character recognition) on a CD or DVD, and include the signed transmittal letter and professional certification. By 5:00 p.m. on December 19, 2008, the Discharger shall comply with these e-reporting requirements.

Ordered By:

Michael P. McCann

Assistant Executive Officer

October 28, 2008

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>Article Addressed to:</li> <li>Mr. Thomas Discroll</li> <li>Z100 Shelfer Island Dr</li> </ul>	A. Signature  X
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Sent To Mr. Thomas Discroll

Street, Apt. No.; or PO Box No. 27 06 Shelter Island Drive City, State, 2734

San Dicap (A 92106)

PS Form 3800, August 2006

See Reverse for Instructions